

REMARKS

Claims 1-10 are pending in the above-referenced application. Claims 1-10 are rejected. The drawings filed on Nov. 12, 2001 are objected to.

In the detailed action, the Office Action has:

1. Indicated that the drawings contain roughly drawn reference numerals, figure legends, and lead-lines; that FIG. 4B contains improper shading and that Applicant has not observed required margins. Applicant submits formally drafted drawings to correct these deficiencies and thanks the Examiner for his careful review;

2. Indicated, in the Abstract, a typographical error. Applicant has corrected the error in this response;

3. Indicated that the claim 1 recites "pictures" rather than "selectable images." Applicant has corrected claim 1 and thanks the Examiner for pointing out the inconsistency;

4. Indicated that the preamble of claim 1 is not consistent with the body of the claim. Applicant has corrected the claim as the Examiner has suggested;

5. Indicated that claims 1-10 lack patentable utility under 35 USC 101;

6. Rejected claims 1-3 and 5-10 under 35 USC 103(a) as being unpatentable over Trubey (US2002/0077930) in view of Hess (6,058,417); and

7. Rejected claim 4 as being unpatentable under 35 USC 103(a) over Trubey, and Hess and further in view of Office Notice regarding controllable speed being controlled by a current position of a pointing device.

Regarding Item 5, Applicant respectfully points out that this ground of rejection has been invalidated by the recent Board decision *Ex parte Lundgren*, Appeal No. 2003-2088 (BPAI 2005)¹.

¹ The Majority stated: Our determination is that there is currently no judicially recognized separate "technological arts" test to determine patent eligible subject matter under § 101. We decline to create one. Therefore, it is apparent that the examiner's rejection can not be sustained.

Regarding Item 6, in which the Office Action rejected claims 1-3 and 5-10, Applicant respectfully submits that the combination of Trubey and Hess does not teach or suggest all of the limitations of claim 1. The Trubey reference describes a merchandising system for an electronic network. Its operation is described in paragraph 0067 and is set forth here in summary fashion. First, the user loads a content site Web page and due to an embedded link a palette request to the merchandising site is made. The merchandising site then responds by sending the palette style and a product list appropriate for the Web page. If the user selects a product on the palette, the user's browser is taken to the on-line merchant's website, which provides a specific Web page relating to the selected product. Flow charts for these operations are presented in FIGs. 7 and 9 of the reference. Also, an illustration of a product page having a multi-product palette is shown in FIG. 5. Nothing in the operation of the system described in Trubey teaches or suggests the limitation "to obtain a set of selectable images of the selected seller's auction items, based on the received seller specific information," recited in claim 1. The product list that is retrieved in Trubey is not identifiable with the set of selectable images of the selected seller's auction items. The items in the product list of Trubey are items from any combination of merchants that happen to be appropriate to the content on the Web page being viewed by the user. There appears to be no teaching regarding the products that are presented as part of the product list delivered in step 716 of FIG. 7 or shown in FIG. 5, except to suggest that products according to a particular category are displayed at the user's browser. See FIG. 5 ("Holiday Products") and paragraph 0081 ("Christmas Gifts"). In contrast, Applicant's invention does not deliver a generalized product list to the user. It delivers "a set of selectable images of the selected seller's auction items, based on the received seller specific information." These are other items of a specific seller that are available for auction. See Applicant's specification, page 2, lines 1-11.

The Office Action has proposed the combination of Trubey and Hess. The Hess reference describes the creation of a gallery of images that are harvested from a plurality of sites based on user-supplied information. Thumbnail images are created according to the harvested images and are aggregated onto a web page for presentation at a remote site. Hess, Col. 2, lines 15-21.

Applicant respectfully submits that the addition of Hess does not alter the fact that none

of the retrieved images presented in either Trubey or Hess includes “a set of selectable images of the selected seller’s auction items, based on the received seller specific information,” as recited in claim 1. The Hess reference, similar to the Trubey reference, presents images for a category (Antiques: Folk Art), such as that shown in FIG. 9A. It does not contemplate returning only images for a specific seller based on received seller specific information. The purpose in Hess is to simply present a large number of small images so that a potential buyer can view a plurality of items without having to move to each item’s detailed product page. Hess, Col. 1, lines 58-67. Applicant’s invention achieves a different purpose. It presents a seller’s related auction items to entice a potential bidder to bid on those related items. Applicant’s Specification Page 2, lines 1-10.

The Office Action has alleged that Trubey discloses a method of delivering, in the form of selectable images, a plurality of items of a selected seller to a browser of a client computer system, citing paragraph 8 of the reference. Applicant respectfully submits that the access to the merchant’s site is, as described in paragraph 8, not identifiable with the limitation “to obtain a set of selectable images of the selected seller’s auction items, based on the received seller specific information,” recited in claim 1. Applicant’s invention does not obtain a set of selectable images from a specific merchant’s Web site. This would, in fact, be contrary to Applicant’s invention. Products at a specific merchant’s Web site are not of interest to the bidder in an auction environment. The plurality of items that might show up at a specific merchant’s site would not be the same items that the merchant as a seller in an auction would provide for auction. Applicant’s invention is therefore not concerned with the products offered at a particular merchant’s site, but with items that are offered by a particular seller at an auction, based on what the seller has provided to the auction system. Furthermore, Applicant’s invention is not concerned with taking the user to the merchant’s Web site. Applicant’s invention is concerned with showing “a set of selectable images of the selected seller’s auction items, based on the received seller specific information.” The combination of Hess with Trubey does not change this result because Hess is not concerned with displaying “a set of selectable images of the selected seller’s auction items, based on the received seller specific information,” either. Therefore, Applicant submits that the proposed combination fails to teach all of the limitations of the present invention as recited in claim 1.

Finally, Applicant respectfully submits that there is no motivation to combine the Hess reference with the Trubey reference, because the Trubey reference is designed to present a plurality images such that a selection of one will take the user to the merchant's Website. This action is completely contrary to the operation described in Hess. In Hess, the concept is to present a gallery of images from an auction site database so that a prospective buyer can quickly scan the thumbnails for auction items of interest. The user at the auction site is not interested in being taken to the merchant's Web site (an activity that would probably frustrate the user). The user is interested in items that merchants as auction sellers have provided for auction at the auction site. Thus, one of skill in the art having the Trubey reference would not seek out and combine the teachings of the Hess reference with the Trubey reference. The person of skill in the art would not seek out and combine a reference whose activities would be contrary with taking the user to the merchant's site, which is the whole purpose behind the system described in Trubey. Thus, Applicant submits that one of skill in the art would not have combined the Hess reference with the Trubey reference.

Regarding claim 2, Applicant respectfully submits that claim 2 is allowable at least because claim 1, from which it depends, is allowable.

Regarding claim 3, Applicant respectfully submits that claim 3 is allowable at least because claim 1, from which it depends, is allowable.

Regarding claim 5, Applicant respectfully submits that claim 5 is allowable at least because claim 1, from which it depends, is allowable.

Regarding claim 6, Applicant respectfully submits that claim 6 is allowable at least because claim 1, from which it depends, is allowable. Additionally, the proposed combination fails to teach "wherein the main program is configured to load and activate a categories module that maintains a set of categories available on the auction site from the specified seller." Neither the Hess nor the Trubey reference contemplates that a set of categories available on the auction site from a specific seller be provided. The Hess reference is not seller-specific. The categories provided go across all sellers that are present in the database. Any category in Trubey is not seller specific.

Regarding claim 7, Applicant respectfully submits that claim 7 is allowable at least because claim 6, from which it depends, is allowable. Additionally, the proposed combination fails to teach “wherein the set of categories available on the auction site from the specified seller is stored on the auxiliary server,” as recited in claim 7. Neither Hess nor Trubey contemplates an auxiliary server that stores category information for particular sellers.

Regarding claim 8, Applicant respectfully submits that claim 8 is allowable at least because claim 6, from which it depends, is allowable. Additionally, neither Trubey nor Hess suggests “wherein the main program is configured to load and activate an item links module that maintains a set of item links for each category in the set of categories available on the auction site from the specified seller,” as recited in claim 8. There is no suggestion of an items links module that maintains links for each category in the set of categories available on the auction site from a specific seller. Neither reference describes any activity that is seller specific.

Regarding claim 9, Applicant respectfully submits that claim 9 is allowable at least because claim 8, from which it depends, is allowable. Additionally, the proposed combination fails to teach or suggest “wherein the set of item links available on the auction site from the specified seller is stored on the auxiliary server.” Neither reference contemplates storing category specific items links in an auxiliary server.

Regarding claim 10, Applicant respectfully submits that claim 10 is allowable at least because claim 9, from which it depends, is allowable. Additionally, the proposed combination fails to teach or suggest “wherein the set of item links includes an item name associated with each item link,” because there is no suggestion in the references of an item link or what it includes.

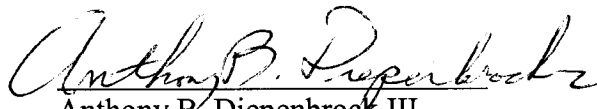
Regarding Item 7, Applicant respectfully submits that claim 7 is allowable at least because claim 6, from which it depends, is allowable. Additionally, as the Office Action admits, the proposed combination fails to teach “wherein the picture displaying module is configured to moveably display the set of pictures at a controllable speed; and wherein the controllable speed is controlled by a current position of a pointing device connected to the client computer system.” Applicant respectfully requests that, if the Examiner has a Macromedia reference that teaches the limitation, the Applicant be allowed to review it.

CONCLUSION

Having addressed each and every ground of objection and rejection, applicants believe that the application is in condition for allowance. Applicants respectfully request reconsideration and allowance of the pending claims in the above-mentioned application and respectfully request that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

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Date: April 5, 2006


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